

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

FINAL DECISION AND ORDER

MICHELLE L HOWE, L.P.N.
RESPONDENT.

Order # 0000033

Division of Enforcement Case #06 NUR 304

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Michelle L. Howe
1225 Commonwealth Dr., Apt 6
Fort Atkinson, WI 53538

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

An Informal Settlement Conference was held pursuant to Wis. Adm. Code § RL 2.036, and a recommendation was made by the committee, which was agreed to by the parties. The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michelle L. Howe (D.O.B. 8/30/79) is duly licensed in the state of Wisconsin as a practical nurse (license # 304289). This license was first granted on 3/20/03.

2. On 8/15/06, and while employed as a practical nurse at a skilled nursing facility, Respondent gave three dosage units of clonazepam 0.5mg, a Schedule IV controlled substance which had been prescribed to her, to T.W a co-worker who was 17 years of age, for the purpose of treating T.W.'s headache (a purpose for which she had found the medication to be effective).

Respondent had no knowledge of whether T.W. also had a prescription for this particular medication at the time, or of his age. T.W. did not ingest the medication.

3. On a separate occasion that day, Respondent also provided one dosage unit of her clonazepam to a nurse who was a co-worker at the same facility, and another dosage unit of her clonazepam to a social worker who was also a co-worker at the facility. Both of these were for the purpose of treating headaches. Respondent had no knowledge of whether either co-worker also had a prescription for this particular medication at the time. Neither co-worker ingested the medication.

4. Respondent represents to the Board that she did not practice nursing in any respect in June, July, August, and September 2007.

5. In determining the appropriate discipline for this matter, the Board considers the fact that Respondent promptly self-reported the incident, that she is sincerely remorseful and accepts full responsibility for her actions, and that her motive was therapeutic.

CONCLUSION OF LAW

By the conduct described above, respondent is subject to disciplinary action against her license to practice as a practical nurse in the state of Wisconsin, pursuant to Wis. Stat. § 441.07(1)(b), (c) and (d), and Wis. Adm. Code §§ N 7.03(1)(a), (b), (c), (e), and N 7.04(1), (2), and (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Michelle L. Howe, L.P.N., to practice as a nurse in the state of Wisconsin is SUSPENDED for thirty days, effective July 1, 2007. Respondent is deemed to have served this suspension, based upon Finding of Fact 4, above.

IT IS FURTHER ORDERED, that the license to practice nursing of Respondent is LIMITED in the following respect: no later than June 30, 2010, Respondent shall satisfactorily demonstrate that she has successfully completed no fewer than six hours of continuing education in the area of nursing ethics, which course or courses shall have been pre-approved by the Board or its designee. The 4.8 hour course *Ethics of Nursing Practice*, sponsored by the Learning Extension of the National Council of State Boards of Nursing, is approved as completely satisfying the continuing education requirement of this Order.

IT IS FURTHER ORDERED that violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely comply with the ordered continuing

education, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED that respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$1,550, no later than 4/5/11. If the Costs are not paid by that date, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, together with any accrued interest.

WISCONSIN BOARD OF NURSING

By: Marilyn Kaufmann
A Member of the Board

1/28/10
Date

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